

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-12
RIGHTS AND RESPONSIBILITIES**

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1240-1-12-.01 RESERVED FOR FUTURE USE.

Authority: TCA §§14-8-112 and 14-27-104; 7 CFR 272.7 and 45 CFR 205.10. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.02 NONDISCRIMINATION.

- (1) Compliance Provision. The Tennessee Department of Human Services, at all administrative levels, shall not discriminate against any applicant or participant in any program aspect, for reasons of age, race, color, sex, handicap, religious creed, national origin, or political belief. Discrimination in any aspect of program administration is prohibited by the Food Stamp Act of 1977 (Title XIII, PL 95-113), The Age Discrimination Act of 1975 (PL 94-135), The Rehabilitation Act of 1973 (PL 93-112, §504), and Title VI of the Civil Rights Act of 1964 (42 USC § 2000d.). Enforcement may be brought under any applicable Federal law. Title VI complaints shall be processed in accord with 7 CFR Part 15, USDA's regulations on nondiscrimination including AFDC Title VI complaints.
- (2) Filing Discrimination Complaints.
 - (a) Discrimination Complaints - Food Stamps Only. Individuals who believe that they have been subject to discrimination for reasons of age, race, color, sex, handicap, religious creed, national origin, or political beliefs, may file a written complaint with the Secretary of Agriculture or the Administrator, FNS, Washington, DC 20250.
 1. FNS Discrimination. Requirements (Food Stamps Only).
 - (i) The complaint must contain the following information:
 - (I) The name, address and telephone number or other means of contacting the person alleging discrimination.
 - (II) The location and name of the organization or office which is accused of discriminatory practices.
 - (III) The nature of the incident or action or the aspect of program administration that led the person to allege discrimination.
 - (IV) The reason for the alleged discrimination (age, race, color, etc.).

(Rule 1240-1-12-.02, continued)

- (V) The complaint will be registered and will be processed through the same system as the Fair Hearing process.
 - (VI) A summary report of the complaint findings will be submitted to the Secretary or FNS Administrator by the Commissioner of Human Services.
- (b) Filing Discrimination Complaints - AFDC Only.
 - 1. Who May Complain. Any individual or his/her representative may file with the county, regional or the state office of the Department of Human Services, or with the Federal Department of Health and Human Services (DHHS), a complaint concerning discriminatory practices or actions on the part of the Department or any agency institution, organization, or medical care vendors or practitioners that participate in any way in federal aided welfare programs by providing aid, care, or services. The Department will investigate each complaint promptly to determine whether it is justified and, if justified, what corrective action is appropriate.
 - 2. Requirements for Discrimination Complaints.
 - (i) Complaints will be filed in writing. If the complainant is not willing to complete the official form, he/she may write a letter setting forth his/her grievance.
 - (ii) Upon receipt of a written complaint, a complete investigation shall be made promptly. When it is found that discrimination has occurred, corrective action shall be planned immediately. In any instance, a written report of the investigation must be made within 30 calendar days after the date the complaint is filed.
 - (iii) Complaints of discrimination will be registered and processed through the same system as the Fair Hearing process.
 - (iv) When the complaint applies to discriminatory actions on the part of contracting agencies, individuals, or institutions from which assistance or service is purchased or secured by the Department, the complainant will be interviewed to secure as much information as possible concerning the nature of the complaint, circumstances which precipitated it, and the date the alleged act occurred. This information will be forwarded to the Commissioner.
 - 3. Public Notification of Nondiscrimination Compliance.
 - (i) A leaflet outlining the complaint procedure will be available in each county office.
 - (ii) All Tennessee Department of Human Services Offices will prominently display a nondiscrimination poster.
 - (iii) The Department shall insure that recipients and other low-income households shall have access to information regarding nondiscrimination statutes and policies, complaint procedures, and the rights of participants.
 - 4. Data Collection on Households by Racial/Ethnic Category - Food Stamps Only

(Rule 1240-1-12-.02, continued)

- (i) Categories. Data shall be collected on all applicant/participant households by racial/ethnic category.
 - (I) Applicants may be requested to identify voluntarily their race or ethnicity on the application form, but such information will not affect eligibility or the level of benefits.
 - (II) When the information on racial/ethnic data is not voluntarily provided by the household on the application form, the worker at the intake interview must make this determination by observation.
- (ii) Reserved for future use.

Authority: TCA §§14-8-112 and 14-27-104; 7 CFR 272.7 and 45 CFR 205.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.03 AVAILABILITY OF INFORMATION

- (1) Public Information.
 - (a) Official Policy Instructions. Tennessee Family Assistance Plan of Operation, Federal Procedures, Tennessee Department of Human Services Family Assistance Manuals and supplemental instructions issued for use in serving households applying for AFDC or Food Stamps shall be issued to all staff involved in the determination of eligibility for such assistance and shall be maintained in the county and state offices of DHS for examination by the public on regular work days during regular office hours.
 - (b) Availability of State and Federal Instructions to the Public. Copies of the Family Assistance Manual are made available to public custodians who request the manual for use by the public, are centrally located, and publicly accessible to a substantial number of the recipient population, and agree to accept responsibility for filing all amendments and changes forwarded to them by DHS. Copies sufficient to meet such custodian needs are issued without charge initially and when the Family Assistance Manual is reprinted in its entirety. Any other manuals requested by such custodians may be furnished at a charge related to the cost of production. Other groups, agencies, or individuals serving a substantial recipient population who request the manual, agree to file all amendments and changes forwarded to them by DHS, and who commit themselves to using the manual for informational purposes may be furnished copies of the manual, at the discretion of the Commissioner or his/her designee, at a charge related to the cost of production. Upon request, specific policy materials necessary for an applicant/recipient or his/her representative to determine whether a fair hearing should be requested or to prepare for a hearing will be made available to the applicant/recipient and/or his/her representative without charge. Food Stamp Regulations, plans of operation, and Federal Procedures which affect the public shall be maintained in the local and state offices. In addition, copies of the aforementioned may be obtained by writing or contacting the Southeast Regional Office, United States Department of Agriculture, Food and Nutrition Service, 1100 Spring Street N.W., Room 200, Atlanta, GA 30309.
 - (c) Other printed materials - Food Stamps and AFDC. The Tennessee Department of Human Services will provide other printed materials, such as brochures, pamphlets, leaflets, etc., that clearly describe basic financial and nonfinancial eligibility criteria, the application process, and participants rights and responsibilities. In Food Stamps this written information shall be

(Rule 1240-1-12-.03, continued)

made available to local social security offices, Department of Employment Services Offices, and other agencies and organizations assisting in the State Outreach Program.

(2) Hotline Service - Food Stamps.

- (a) The Tennessee Department of Human Services will operate a food stamp toll-free hotline service.
- (b) The hotline service number will be posted in all Food Stamp offices and will be included on printed material.

Authority: TCA §14-8-106; 45 CFR 205.70. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.04 USES FOR FOOD COUPONS - FOOD STAMP ONLY.

- (1) Food coupons are designed for use by participants to purchase eligible foods, including seeds and plants, for home consumption and use.
- (2) Special Uses. Certain households have been authorized to use their coupons to obtain prepared meals or to facilitate their obtaining food. These authorized special uses are:
 - (a) Communal Dining. Eligible household members, 60 years of age or over, or SSI recipients and their spouses, may use coupons issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS for that purpose. Communal dining facilities include senior citizen centers, apartment buildings occupied primarily by elderly people or SSI households, public or private nonprofit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It shall also include private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to elderly persons or SSI recipients.
 - (b) Meals-on-Wheels. Eligible household members 60 years of age or over, or members who are housebound, feeble, physically handicapped, or otherwise disabled to the extent that they are unable to adequately prepare all their meals, and their spouses may use all or any part of the coupons issued to them to purchase meals from a non-profit meal delivery service authorized by FNS. Meal delivery service means a political subdivision, a private non-profit organization, or a private establishment with which the state or local agency has contracted for the preparation and delivery of meals at a concessional price to the people listed above and which is authorized by FNS.
 - (c) Addicts And Alcoholics In Treatment Programs. Members of eligible households who are narcotic addicts or alcoholics, and who are participating regularly in a drug or alcoholic treatment and rehabilitation program, may use all or part of the coupons issued to them during the course of such programs to purchase meals prepared for them by a private non-profit organization or institution. Such institution or organization must be approved by the Tennessee Department of Mental Health and Mental Retardation or by FNS if the center wishes to redeem food coupons as a retailer.
 - (d) Group Living Arrangement. A public or private non-profit residential setting that serves no more than sixteen (16) residents and that is certified by the Department of Mental Health. To

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be eligible for Food Stamp benefits, a resident of such a group living arrangement must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act.

Authority: TCA §14-3-102; 45 CFR 234.11. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.05 USES OF AN AFDC GRANT

- (1) General Uses. An AFDC grant is in the form of money payment or in certain instances a vendor payment made to a provider of goods and services.
- (2) Right To Apply. Any person who wishes to apply for AFDC has the right to do so. He/she shall not be required to furnish proof of his/her eligibility before his/her application is registered. Persons capable of furnishing information regarding points of eligibility will be required to do so before assistance is granted. When persons are clearly incapable of furnishing such information, the FA staff will make reasonable efforts to obtain the facts necessary to prove each factor of eligibility.
- (3) Recipient's Right To Control His/Her Assistance Check. The Department is not at liberty to determine for the recipient what goods and services he/she will have, by directive or by controlling in any way the use which the recipient makes of his/her assistance check. Vendor and protective payments may be made under certain circumstances.

Authority: TCA §§14-8-106 and 14-27-104; 7 CFR 272.1; PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982.

1240-1-12-.06 FOOD STAMP COUPONS AS INCOME. The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws, including but not limited to, laws on taxation, welfare, and public assistance programs.

Authority: TCA §14-27-104; 7 CFR 272.1. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.07 NO AID REDUCTION BECAUSE OF FOOD STAMP PARTICIPATION. No participating State or political subdivision shall decrease any assistance otherwise provided an individual or individuals because of the receipt of a coupon allotment.

Authority: TCA §14-27-104; 7 CFR 272.1. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-12-.08 COMPLAINT PROCEDURE FOR PROGRAM MATTERS.

- (1) Federal Level Responsibility (Food Stamps). Persons or agencies desiring program information or wishing to file a complaint may contact the FNS Regional Office.
- (2) State Level Responsibility - Food Stamps/AFDC.
 - (a) Formal Complaints. The Tennessee Department of Human Services will provide a fair hearing to any person or household aggrieved by any action which affects their eligibility, level of benefit, or participation in the Family Assistance Program.

(Rule 1240-1-12-.08, continued)

- (b) Informal Complaints - AFDC. Persons or agencies desiring program information or wishing to file a complaint may contact any or all of the following:
 - 1. Director of the local county office of the Tennessee Department of Human Services;
 - 2. Director, Financial Assistance Policy; or
 - 3. Commissioner.

Authority: TCA §14-27-104; 45 CFR 272.1; PL 97-35. **Administrative History:** Originally filed August 15, 1980; effective September 29, 1980. Amendment filed December 10, 1981; effective January, 25, 1982.